

QUSA *XD*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 20 PM 1:52

UNITED STATES OF AMERICA,

) Magistrate Docket No.

) Plaintiff,

) CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 0871

) v.

) COMPLAINT FOR VIOLATION OF:

Carlos VARGAS-Juriel,

) Title 8, U.S.C., Section 1326

) Deported Alien Found in the

) United States

) Defendant

The undersigned complainant, being duly sworn, states:

On or about **March 18, 2008** within the Southern District of California, defendant, **Carlos VARGAS-Juriel**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF **MARCH 2008**



Leo S. Papas

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Carlos VARGAS-Juriel

PROBABLE CAUSE STATEMENT

On March 18, 2008 Senior Border Patrol Agent R. Harden was performing line watch duties in the Imperial Beach Border Patrol station's area of operations. At 3:55 PM Agent Harden responded to a scope report of activity near the area commonly known as the "39 Bowl". This area is approximately three and a half miles west of the port of entry at San Ysidro, California and approximately four hundred yards north of the international boundary fence with Mexico.

Agent Harden arrived in the area and after a brief search observed three individuals running. Agent Harden ordered them to stop and they complied. Agent Harden identified himself as a Border Patrol Agent and conducted an immigration inspection on the subjects. All three subjects, including one later identified as the defendant **Carlos VARGAS-Juriel**, admitted to being citizens and nationals of Mexico illegally present in the United States. Agent Harden placed all three under arrest and transported them to the Imperial Beach Border Patrol station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 15, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advise of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant admits that he is a citizen and national of Mexico illegally present in the United States and that he entered with the intent of going to Los Angeles, California where he intended to live and work.